

translating each of the discrete components of data from the different data sources to a common representation format;

adding contextual information to the translated discrete components of data from the different data sources to produce enhanced data having a common format; and

wherein the contextual information is metadata that includes usage rules and access rights for the enhanced data from the different data sources.

REMARKS

In an Office Action mailed December 16, 2005, claims 1, 6 and 21 were rejected under 35 U.S.C. §102(e) as being anticipated by Schaffer (U.S. Patent No. 6,411,949); claims 2-5, 9, 10, 12, 22-24, 26-28 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander et al.; claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Bell; claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Bowman-Amuah; claims 11, 13, 29 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Slaughter et al. (U.S. Patent No. 6,970,869; hereinafter “Slaughter”); claims 14, 15 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bell; claims 16, 17, 18, 30 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter; and claims 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bowman-Amuah. Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants respectfully submit that the Bowman-Amuah reference should not be considered for purposes of obviousness under 35 U.S.C. §103(a). In particular, pursuant to 35 U.S.C. §103(c) and M.P.E.P. §706.02(l), Applicants note that the Bowman-Amuah reference and the instant application were commonly owned by the same organization, Accenture, LLP, at the time of the instant invention. Therefore, because the Bowman-Amuah reference qualifies as prior art under 35 U.S.C. §102(e)—having been filed prior to (August 31, 1999) and issued after (February 24, 2004) the filing date of the instant application (March 26, 2001)—it may not be considered for purpose of obviousness. Pursuant to M.P.E.P.

§706.02(1)(3), evidence of common ownership by Accenture, LLP of the Bowman-Amuah reference and the instant application is available through recorded assignments, which may be found at Reel/Frame 012129/0273 and Reel/Frame 013021/0378, respectively. Therefore, given the inapplicability of the Bowman-Amuah reference under 35 U.S.C. §103(c), Applicants respectfully submit that the instant rejections under 35 U.S.C. §103(a) incorporating Bowman-Amuah, i.e., with regard to claims 8, 19 and 20, fail to establish a prima facie case of obviousness. As a result, Applicants further submit that claims 8, 19 and 20 are in suitable condition for allowance.

For ease of presentation, where possible, the remaining rejections of the claims are treated serially below according to claim numbering.

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Schaffer. Regarding claim 1, Applicants note that claim 1 has been amended above to specifically include “contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data”. Support for this amendment may be found at least on page 6, lines 11-20 of the instant specification. Applicants respectfully submit that Schaffer fails to set forth any teachings regarding contextual information comprising attributes of the at least one discrete component of data and relating to intended use of the at least one discrete component of data. To the extent that Schaffer teaches anything analogous to contextual information as set forth in amended claim 1, it comprises information that may be of interest to the eventual recipient of the discrete component of data, but that is otherwise unrelated to that recipient’s intended usage of the data.

Additionally, claim 1 has been amended above to include the addition of “usage rules” to the at least one discrete component of data, which rules “specify how the enhanced data may be used or modified”. Support for this amendment may found at least on page 7, lines 5-17 of the instant specification. The Office Action asserts, e.g., with regard to now-canceled claim 3, that Schaffer fails to teach the claimed usage rules, but that the claimed usage rules are taught by the combination of Schaffer in view of col. 4, lines 57-63 of Alexander. However, the cited portion of Alexander refers to “access permissions” controlled by an “authorization module 22”, which provide authorized personnel the ability to access and modify templates and data, as well as the ability to perform other actions. In contrast, the presently claimed usage rules “specify how entities authorized to access the enhanced data may use or modify the enhanced data.” (instant specification, page 7, lines 7-8) Stated another way, once it is determined that an entity may *access the enhanced data*, the presently claimed usage rules specify *how the enhanced data may be used or modified* by the accessing entity. Given these distinctions, Applicants respectfully submit that Schaffer fails to anticipate amended claim 1 and, further, that the combination of Schaffer in view of Alexander fails to teach the claimed usage rules thereby vitiating any basis for prima facie obviousness. Therefore, claim 1 is in suitable condition for allowance.

Claims 2-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. Applicants first note that claims 3-5 have been canceled above, thus no further discussion concerning claims 3-5 will be presented. With respect to dependent claim 2, which depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1.

Claim 6 stands rejected under 35 U.S.C. §102(e) as being anticipated by Schaffer. With respect to dependent claim 6, which depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Bell. In particular, it is asserted that Bell, at paragraph [0024], lines 5-7 and paragraph [0185] at lines 12-19, teaches the claimed limitation of “modifying the enhanced data to include the feedback data” previously received from a user of the enhanced data. The specific reference to Bell’s paragraph [0024], upon close reading, is seen to be no more than a statement of the desirability for “talent intermediaries” to be able to receive feedback concerning content provided by “artists.” Similarly, Bell’s paragraph [0185] does indeed mention the possibility for artists to receive feedback concerning “key metrics.” Furthermore, in Section 2.4 of the Office Action and addressing previous observations by Applicants regarding the teachings of the cited combination of Schaffer in view of Bell, the Examiner has further reiterated that Bell teaches the receipt of feedback and that Schaffer teaches the generation of enhanced content based on user profile information. Assuming the truth of these assertions for the sake of argument, Applicants nevertheless submit that the combination of Schaffer in view of Bell fails to teach *modifying* enhanced data based on feedback data. Stated another way, the simple juxtaposition of Schaffer’s alleged generation of enhanced content and Bell’s alleged teaching of receiving feedback does not give rise to the additional action, as presently claimed, of modifying the enhanced content to include the feedback data. Indeed, no reference has been cited teaching this limitation, and the sole source of this limitation would appear to be the instant invention. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Bell fails to teach each and every limitation of claim 7 and, therefore, fails to establish a *prima facie*

case for obviousness. Furthermore, because claim 7 depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1. As a result, Applicants further submit that claim 7 is in suitable condition for allowance.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. Regarding claim 9, Applicants note that claim 9 has been amended above to specifically recite the step of receiving a request for enhanced data “corresponding to an entity”, where a digital identity “acting as a proxy for the entity” is used to compare the requestor’s identification to access rights for the enhanced data. In common usage, and as used in the instant application, a proxy is “the agency, function or power . . . to act as the deputy or substitute for another.” (Random House Webster’s College Dictionary, 1995.) It is asserted in the Office Action that the combination of Schaffer in view of Alexander teaches, in relevant part, a claimed “digital identity” based on Alexander’s web server 17 (col. 4, lines 19-23). Applicants respectfully submit that Alexander’s disclosed web server 17 does not act “as a proxy for” an entity whose enhanced data is being requested, as presently claimed. Like any other web server known to those having skill in the art, Alexander’s web server 17 merely functions to “service[] requests for Web pages received from clients” (col. 4, lines 21-22), as opposed to a proxy as understood in common usage. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander fails to teach each and every limitation of claim 9 and, therefore, fails to establish a prima facie case for obviousness. As a result, Applicants further submit that claim 9 is in suitable condition for allowance.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. Apparently starting with the combination of Schaffer in view of Alexander as applied to claim 9, it is further asserted that Schaffer teaches, at col. 1, lines 28-31 and col. 3,

lines 4-8, the claimed step of the digital identity comparing an intended use of the enhanced data to usage rules. Based on these citations, it appears that an analogy is being drawn between the presently claimed “usage rules” and the “user profile” taught by Schaffer. As a first matter, Applicants note that Schaffer’s user profile is little more than a collection of data concerning a user’s preferences (col. 2, lines 19-58) that are used to select “enhanced content” (akin to the presently claimed “contextual information”) to be added to a “media selection” (akin to the presently claimed “discrete component of data”) selected by the user (col. 3, line 4 – col. 4, line 3). Thus, at best, Schaffer’s user profile is used for no more than the creation of “enhanced data”, and has no bearing on a comparison of an intended use of enhanced information to corresponding usage rules. Indeed, Applicants note that Schaffer is completely silent concerning an “intended use of enhanced data”, as presently claimed. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander fails to teach each and every limitation of claim 10 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 10 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 10 is in suitable condition for allowance.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Slaughter. Apparently starting with the combination of Schaffer in view of Alexander as applied to claim 9, it is asserted that the further combination of Slaughter teaches the claimed digital identity being operated by a party other than the entity. However, the cited portions of Slaughter (col. 8, lines 26-32; col. 9, lines 1-6) appear to be related to the ability of a “client” to search for and access “services” available within a distributed computing environment, presumably such services being offered by a party other than

the client. However, the claimed digital identity, as noted above, actually acts on behalf of the entity whose enhanced data is being requested. Stated another way, claim 11 (amended above) recites a digital identity being operated by a party other than the party it represents. For this reason, the claimed digital identity operated by a third party is distinguishable from the service providers of Slaughter. Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and in further view of Slaughter fails to teach each and every limitation of claim 11 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 11 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 11 is in suitable condition for allowance.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. It is asserted that the combination of Schaffer in view of Alexander, apparently based on the combination of Schaffer and Alexander as applied to claim 9, teaches the claimed digital identity being operated by the entity it represents to the extent that Schaffer teaches a user profile that “controls processing of enhanced content.” However, Applicants note that the analogy drawn between Schaffer’s user profile and the presently claimed digital identity conflicts with the interpretation of Schaffer in view of Alexander as applied to claim 9 where it was asserted that Alexander’s web server 17 taught the claimed digital identity. No explanation has been given detailing how the digital identity of the present invention could be simultaneously provided by both Schaffer’s user profile and Alexander’s web server 17. As demonstrated above, neither Schaffer or Alexander or the combination of the two teaches the claimed digital identity, much less the digital identity being operated by the entity it represents. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander fails

to teach each and every limitation of claim 12 (amended above) and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 12 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 12 is in suitable condition for allowance.

With respect to dependent claim 13, which depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bell. Citing the same portions of Bell noted above with regard to claim 7, it is asserted that the combination of Schaffer in view of Alexander and further in view of Bell teaches the claimed step of transmitting feedback rules from the enhanced content source to the requestor. As noted above, the cited portions of Bell at best teach the idea that feedback may be provided. However, Bell (as well as Schaffer and Alexander) is silent as to how such feedback would be provided and equally bereft with regard to the specific teaching of sending feedback rules to the requestor, as presently claimed. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and further in view of Bell fails to teach each and every limitation of claim 14 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 14 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 14 is in suitable condition for allowance.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bell. Citing the same portions of Bell noted above

with regard to claim 7, it is asserted that the combination of Schaffer in view of Alexander and further in view of Bell teaches the claimed transmitted feedback rules comprising an incentive for the requestor to provide feedback to the enhanced content source. Once again, the cited portions of Bell at best teach the idea that feedback may be provided. However, Bell (as well as Schaffer and Alexander) is silent as to how such feedback would be provided and fails to specifically mention anything concerning feedback rules comprising an incentive for the requestor to provide feedback, as presently claimed. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and further in view of Bell fails to teach each and every limitation of claim 15 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 15 depends from claim 14, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 14. As a result, Applicants further submit that claim 15 is in suitable condition for allowance.

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. In relevant part, it is asserted that Schaffer in view of Slaughter teaches the claimed limitation of generating at least one decision parameter based on profile and preference information and using the at least one decision parameter to determine whether terms of a discovered service are acceptable. Particularly, it is asserted that Schaffer (col. 3, lines 4-8) teaches generating a decision parameter based on Schaffer's user profile, which decision parameter may be employed by the system of Slaughter to assess acceptability of terms of the service (col. 8, lines 37-39). However, the cited portions of Schaffer make clear that Schaffer's recited user profile is for the purpose of customizing "enhanced content" that is to accompany the selected "media selection." For this reason, and assuming for the sake of argument that Slaughter does teach a determination of whether a given service's terms are acceptable, a person

having skill in the art would not look to Schaffer's user profile for providing input to the determination of acceptability of service terms because Schaffer's user profile is, at most, useful only for selecting "enhanced content." To impart some greater capability, as taught solely by the present invention, to Schaffer's user profile would constitute improper hindsight.

Furthermore, Applicants respectfully dispute the assertion that Slaughter teaches a determination of the acceptability of service terms. In particular, the cited portion of Schaffer discloses that once a client has discovered a service, the client can request a "capability credential" that will allow the client to access at least some of the service's capabilities. However, Slaughter's capability credential is unrelated to any terms of the service and only relates to which capabilities of the service a client may use. For these reasons, Applicants respectfully submit that the cited combination of Schaffer in view of Slaughter fails to teach each and every limitation of claim 16 and, therefore, fails to establish a prima facie case for obviousness. As a result, Applicants further submit that claim 16 is in suitable condition for allowance.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. With respect to dependent claim 17, which depends from claim 16, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 17.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. Specifically cited col. 8, lines 37-51 of Slaughter, it is asserted that Schaffer in view of Slaughter teaches the claimed limitation of negotiating with the entity offering the at least one service. In common usage, and as used in the instant application, "negotiating" is defined as "to arrange for or bring about by discussion and settlement of terms". (Random

House Webster's College Dictionary, 1995.) In contrast to this understanding, however, the cited portion of Slaughter teaches the concept of a client requesting a "capability credential" from the service it seeks to use. Depending on the specific information provided to the client regarding the service, the specific content of the capability credential is determined solely by the service and thereafter provided to the client without further processing by the client. Given this, the provision of a capability credential as taught by Slaughter is not an instance of negotiating terms of a service, as presently claimed. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Slaughter fails to teach each and every limitation of claim 18 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 18 depends from claim 16, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 16. As a result, Applicants further submit that claim 18 is in suitable condition for allowance.

Claim 21 stands rejected under 35 U.S.C. §102(e) as being anticipated by Schaffer. Applicants note that claim 21 has been amended above to specifically include "contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data" and the addition of "usage rules" to the at least one discrete component of data, which rules "specify how the at least one discrete component of data and first and second contextual information [i.e., enhanced data] may be used or modified". As set forth above with regard to claim 1, Schaffer fails to teach these limitations. Accordingly, claim 21 is allowable for at least the reasons presented above with respect to claim 1.

Claims 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. Applicants note, however, that claims 22-24 have been canceled above thereby rendering the rejection of claims 22-24 moot.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bell. Citing the same portions of Bell noted above with regard to claims 7 and 14, it is asserted that the combination of Schaffer in view of Alexander and further in view of Bell teaches the claimed data field defining feedback rules from the enhanced content source to the requestor. As set forth above with regard to claims 7 and 14, Schaffer in view of Alexander and further in view of Bell fails to teach the claimed feedback rules. Accordingly, claim 25 is allowable for at least the reasons presented above with respect to claims 7 and 14. Furthermore, because claim 25 depends from claim 21, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 21.

Claims 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. With respect to dependent claim 26, which depends from claim 21, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 21.

With respect to claim 27, Applicants note that the rejection makes reference only to the teachings of Schaffer, which suggests that the rejection is in fact an anticipation rejection based on Schaffer alone rather than an obviousness rejection based on the combination of Schaffer in view of Alexander. However, Applicants assume this is simply a typo and that Alexander is being relied up in the rejection of claim 27 for the teaching of a “computer readable medium” as previously presented, for example, with regard to claims 24 and 26. Regardless, Applicants further note that claim 27 has been amended above to specifically include “contextual

information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data” and the addition of “usage rules” to the at least one discrete component of data, which rules “specify how the enhanced data may be used or modified”. As set forth above with regard to claim 1, Schaffer in view of Alexander fails to teach these limitations. Accordingly, claim 27 is allowable for at least the reasons presented above with respect to claim 1.

With respect to claim 28, Applicants note that claim 28 has been amended above to specifically recite the step of receiving a request for enhanced data “corresponding to an entity”, where a digital identity “acting as a proxy for the entity” is used to compare the requestor’s identification to access rights for the enhanced data. As set forth above with regard to claim 9, Schaffer in view of Alexander fails to teach the claimed digital identity acting as a proxy for the entity. Accordingly, claim 28 is allowable for at least the reasons presented above with respect to claim 9.

Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Slaughter. In relevant part, claim 29 claims generating at least one decision parameter based on profile and preference information and using the at least one decision parameter to determine whether terms of a discovered service are acceptable. As set forth above with regard to claim 16, Schaffer in view of Alexander and further in view of Slaughter fails to teach the claimed limitations of generating at least one decision parameter based on profile and preference information and using the at least one decision parameter to determine whether terms of a discovered service are acceptable. Accordingly, claim 29 is allowable for at least the reasons presented above with respect to claim 16.

Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. Applicants note that claim 21 has been amended above to specifically include “contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data” and the addition of “usage rules” to the at least one discrete component of data, which rules “specify how the at least one discrete component of data and first and second contextual information [i.e., enhanced data] may be used or modified”. As set forth above with regard to claim 1, Schaffer fails to teach these additional limitations, which shortcomings are not remedied by the combination of Schaffer in view of Slaughter. Accordingly, Schaffer in view of Slaughter fails to establish prima facie obviousness of claim 30, which claim is therefore allowable.

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. With respect to dependent claim 31, which depends from claim 30, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 30.


Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Slaughter. With respect to dependent claim 32, which depends from claim 30, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 30. Furthermore, the cited prior art references, either alone or in combination, fail to teach the claimed usage rules as noted above, for example, with regard to claim 1. Accordingly, claim 32 is allowable for at least the reasons presented above with respect to claim 1.

Claim 33 stands rejected under 35 U.S.C. §102(e) as being anticipated by Schaffer. In particular, it is asserted that Schaffer teaches the claimed steps of accessing at least one discrete component of data from each of a plurality of different data sources (col. 2, lines 59-62; col. 2, lines 3-5; col. 2, lines 10-14) and translating each of the discrete components to a common representation format (col. 3, lines 4-8). Regarding the assertion that Schaffer teaches accessing discrete components from a plurality of different data sources, it is true that Schaffer teaches communications via network. However, Applicants note that Schaffer's "media selection" (col. 1, lines 16-20) are most closely aligned with the presently claimed "discrete component of data" to the extent that, like the claimed discrete component of data that is "enhanced" through the addition of "contextual information", Schaffer's media selection is "enhanced" by the addition of "enhanced content." (col. 2, lines 46-48) In this light, it is clear that Schaffer does not teach accessing discrete components (media selections) from a plurality of different data sources. Indeed, Schaffer is silent on the possibility of accessing more than one media selection from a plurality of sources. Furthermore, regarding the assertion that Schaffer teaches translating each of the discrete components to a common representation format, the cited portion of Schaffer is inapposite. More particularly, the cited portion of Schaffer teaches that Schaffer's "enhanced content" (contextual information) may be stored in a graph-like data structure that may be stored locally or within a network. At best, this citation informs the reader about the form of the contextual information, not the discrete components of data, much less that the discrete components of data may be translated into a common representation format. For these reasons, Applicants respectfully submit that the cited combination of Schaffer in view of Slaughter fails to teach each and every limitation of claim 33 and, therefore, fails to establish a prima facie case

for obviousness. As a result, Applicants further submit that claim 33 is in suitable condition for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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